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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,747	08/25/2006	Hans Tanner	P/1336-208	1215
<div>7590 02/18/2009 Robert C. Faber Ostrolenk Faber Gerb & Soffen 1180 Avenue of the Americas New York, NY 10036-8402</div>			<div>EXAMINER RACHUBA, MAURINA T</div>	
			<div>ART UNIT 3727</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 02/18/2009</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,747	TANNER, HANS	
	Examiner	Art Unit	
	Maurina Rachuba	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is not clear, the scope of the claim cannot be readily determined. Claim 3 states "Machine tool according to claim 2, where in movable protective means for protecting the measuring device".. Does the tool comprise the protective means? Claim 11 is not clear, the scope of the claim cannot be readily determined. Claim 11 states "Machine tool according to claim 1, wherein a workpiece gripper device for taking up at least two workpieces." Does the tool comprise the gripper device?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-10, and 12-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Laycock, 6,682,403. '403, figure 1 and column 1, lines 20 through column 5, lines 53, discloses the claimed invention, including the headstock **12** and movable tailstock **14** on different surfaces of the support (an end and a top

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respectively); the angle between the vertical and second side greater than 0 degrees;; the turning and grinding devices (indicated by motors **28,30**) independently movable in two directions (toward and from the workpiece, and in a pivoting direction) (see column 1, lines 30-45), the grinding tool rotates about an axis of rotation disposed at an angle of 0 degrees to the workpiece axis (the axes are parallel); the first axis of travel of the grinding tool is horizontal, the angle between the second axis of travel and the vertical is greater than 0 degrees; the machine bed and workpiece holding device comprise faces that are inclined; the holding device is fastened to beveled brackets at a spacing from the bed; a collecting device for collecting fallen material; one grinding device cuts the workpiece, the grinding device travels along at least two axes of travel.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock, 6,682,403 in view of Maples, 4,627,168. '403 does not disclose movable protective means for protecting the measuring device. In a machine tool, '168 discloses a movable protective shield to protect a workpiece measuring device, see column 3, lines 64 through column 4, lines 11. The examiner considers this shield to be the structural and functional equivalent of the shield disclosed by applicant. It would have been obvious to one of ordinary skill in the art to have provided '403 with the measuring

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device shield as taught by '168, for the predictable result of preventing the measuring device from being damage or influenced by debris during operation.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock, 6,682,403 in view of Ilel et al, 5,335,454. '403 does not disclose that the support can be pivoted about a pivot axis. In a similar device, '454 teaches pivoting the workpiece support about a pivot axis. It would have been obvious to one of ordinary skill in the art to have provided '403 with the pivoting support taught by '454, figure 1, for the predictable result of providing more accurate control of the grinding process, see for example, abstract.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laycock, 6,682,403 in view of Scheder et al, 4,802,311. '403 does not disclose grippers. In a similar device '311 teaches the use of grippers for holding at least two workpieces, see for example figure 2, **37a,37b**, and its description. It would have been obvious to one of ordinary skill in the art to have provided '403 with grippers as taught by '311, for the predictable result of better controlling the loading and unloading of the machine tool.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other similar machine tools are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner, Art Unit 3727